

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

IN RE: AQUEOUS FILM-FORMING FOAMS ) Master Docket No.:  
PRODUCTS LIABILITY LITIGATION ) 2:18-mn-2873-RMG

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CITY OF CAMDEN, et al.,	)
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	)
<i>Plaintiffs,</i>	)
	)
	)
-vs-	)
	)
	)
E.I. DUPONT DE NEMOURS AND COMPANY (n/k/a EIDP, Inc.), et al.,	)
	)
	)
<i>Defendants.</i>	)

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**JOINT MOTION TO RECONSIDER AND AMEND  
PRELIMINARY APPROVAL ORDER**

Proposed Class Counsel, along with The Chemours Company, The Chemours Company FC, LLC, DuPont de Nemours, Inc., Corteva, Inc., and E.I. DuPont de Nemours and Company (n/k/a/ EIDP, Inc.) (the “Settling Defendants,” and with Proposed Class Counsel, the “Parties”), move to reconsider and amend the Order Granting Preliminary Approval, entered by the Court on August 22, 2023 (ECF No. 3603). It is noted Molly H. Craig of the Hood Law Firm, LLC does not represent DuPont de Nemours, Corteva, NOR EIDP, INC. on any claims regarding fraudulent transfer or fraudulent conveyance. The grounds for this motion are as follows:

1. In Paragraph 29 of the Order Granting Preliminary Approval, the Court issued a Stay Order and Injunction. The Stay Order and Injunction provides, among other thing, that (i) it “shall not apply to any Person who files a timely and valid Request for Exclusion beginning as of the date such Request for Exclusion becomes effective,” and (ii) “also shall not apply to any

lawsuits brought by a State in any forum or jurisdiction.” The Order Granting Preliminary Approval further provides in Paragraphs 25 and 26 that “the Notice Administrator shall prepare and file with the Court and serve on Class Counsel and Settling Defendants’ Counsel, a list of all Persons who have timely filed and served Requests for Exclusion” by December 6, 2023, and that the Final Fairness Hearing shall be held on December 14, 2023.

2. On August 29, 2023, the Court issued a Preliminary Approval Order for Settlement Between Public Water Systems and 3M Company (the “3M Order”) (ECF No. 3626). Article VIII of the 3M Order includes a Stay and Injunction, which provides that “after the Final Fairness Hearing, the stay and injunction shall not apply to any Person who has filed (and not withdrawn) a timely and valid Request for Exclusion and that the stay and injunction shall not apply to litigation brought by a State or the federal government.”

3. The Parties believe that it would be beneficial to the Court’s consideration of both pending settlements to conform the stay and injunction provisions of the Order Granting Preliminary Approval to such provisions of the 3M Order. Specifically, the Parties propose to clarify that (i) after the Final Fairness Hearing, the stay and injunction shall not apply to a Person who has filed (and not withdrawn) a timely and valid Request for Exclusion, and (ii) the stay and injunction shall not apply to litigation brought by the federal government (in addition to litigation brought by a State). Such an order is consistent with precedent in this Court. *See In re Building Materials Corp. of Am. Asphalt Roofing Shingle Prods. Liability Litig.*, 2014 WL 1261614, at \*12 (D.S.C. Oct. 15, 2014) (noting that “[t]his type of injunctive relief is commonly granted in preliminary approvals of class-action settlements pursuant to the All Writs Act and the Anti-Injunction Act” and issuing stay of “any actions or proceedings pending in any court in the United States . . . pending the Final Approval Hearing and the issuance of a Final Order and Judgment”).

4. In addition, because the Stay Order and Injunction prohibits the filing of new cases on the terms set forth therein, the Parties request a modification providing that any statutes of limitations or repose for any Claims that a Releasing Person is enjoined from filing by Paragraph 29 of the Order Granting Preliminary Approval shall be tolled during the pendency of such Stay Order and Injunction.

5. Attached hereto is a redline showing the proposed amendments to Paragraph 29 of the Order Granting Preliminary Approval as set forth above. Proposed Class Counsel and the Settling Defendants respectfully request that the Court enter an amendment to the Order Granting Preliminary Approval incorporating the changes in the attached redline.

Dated: September 14, 2023

Respectfully submitted,

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Inc., Corteva, Inc., and E.I. DuPont de Nemours and  
Company n/k/a EIDP, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was electronically filed with this Court's CM/ECF on this 14th day of September, 2023 and was thus served electronically upon counsel of record.

/s/ Molly H. Craig  
Molly H. Craig